

Marvin E. Richards, Jr. (California Bar No. 199834)  
 ROETZEL & ANDRESS, LPA  
 222 S. Main Street  
 Akron, OH 44308  
 Telephone: (330) 376-2700  
 Facsimile: (330) 376-4577  
 E-mail: [mrichards@ralaw.com](mailto:mrichards@ralaw.com)

John S. Gilmore (California Bar No. 32491)  
 RANDOLPH CREGGER AND CHALFANT, LLP  
 1030 G Street  
 Sacramento, CA 95814  
 Telephone: (916) 443-4443  
 Facsimile: (916) 443-2124  
 E-mail: [jgilmore@randolphlaw.net](mailto:jgilmore@randolphlaw.net)

Attorneys for Defendants Carbone Properties Manager, LLC,  
 R.P. Carbone Company, and Ross Carbone

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

CHEVRON TCI, INC.,

Plaintiff,

vs.

CARBONE PROPERTIES MANAGER,  
 LLC, ET AL.,

Defendant.

CASE NO. 3: 08-CV-00782 JCS

MAGISTRATE JUDGE  
 JOSEPH C. SPERO

**DEFENDANTS' STATUS REPORT AS  
 TO ACTION PENDING IN THE UNITED  
 STATES DISTRICT COURT, EASTERN  
 DISTRICT OF LOUISIANA**

Defendants, Carbone Properties Manager, LLC (“CPM”), Ross P. Carbone (“Ross Carbone”), and R. P. Carbone Company (“RPCC”) (collectively, “Defendants”), by and through counsel, and pursuant to this Court’s Case Management and Pretrial Order of May 13, 2008, hereby submit a Status Report with respect to the litigation pending in the United States District Court, Eastern District of Louisiana, captioned Marshall Investments Corporation v. R. P.

Carbone Company, et al., Case No. 05-6486 (“Louisiana Litigation”), to which Ross Carbone and RPCC are parties.

Defendants state that Ross Carbone, on behalf of RPCC and the other defendants to the Louisiana Litigation, recently contacted Plaintiff Marshall Investments Corporation (“Marshall”) for the purpose of engaging in settlement negotiations and that Marshall has expressed interest in pursuing discussions in that regard. Defendants will promptly notify this Court of any developments in the Louisiana Litigation that may affect this case.

On May 13, 2008, Marshall filed its Motion for Partial Summary Judgment, seeking judgment upon its claims against, among others, Ross Carbone and RPCC. A hearing upon Marshall’s Motion for Partial Summary Judgment is scheduled for May 28, 2008. A final pre-trial conference is scheduled for June 26, 2008. The trial is scheduled for July 7, 2008.

Defendants herein will apprise the Court of further developments with respect to the potential settlement of the Louisiana Litigation as circumstances warrant and will be pleased to promptly provide such information at the Court’s convenience.

Dated: May 19, 2008

Respectfully submitted,

/s/ Marvin E. Richards, Jr.  
Marvin E. Richards, Jr. (CA Bar No. 199834)  
ROETZEL & ANDRESS, LPA  
222 South Main Street  
Akron, OH 44308  
Telephone: 330.376.2700  
Facsimile: 330.376.4577  
E-mail: [mrichards@ralaw.com](mailto:mrichards@ralaw.com)

John S. Gilmore (CA Bar No. 32491)  
RANDOLPH CREGGER AND CHALFANT,  
LLP  
1030 G Street  
Sacramento, CA 95814  
Telephone: (916) 443-4443  
Facsimile: (916) 443-2124  
E-mail: [jgilmore@randolphlaw.net](mailto:jgilmore@randolphlaw.net)

ATTORNEYS FOR DEFENDANTS CARBONE  
PROPERTIES MANAGER, LLC, ROSS P.  
CARBONE, AND R. P. CARBONE COMPANY

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing has  
been served upon the following parties via the Court's electronic filing system and regular  
U.S. Mail, postage prepaid this 19<sup>th</sup> day of May, 2008:

Matthew P. Vafidis, Esq.  
Holland & Knight, LLP  
50 California Street, 28<sup>th</sup> Floor  
San Francisco, CA 94111

Elizabeth R. Burkhard, Esq.  
Holland & Knight, LLP  
10 St. James Avenue, 11th Floor  
Boston, MA 02116

Andrew T. Caulfield, Esq.  
Holland & Knight, LLP  
50 California Street, 28th Floor  
San Francisco, CA 94111

Joshua C. Krumholz, Esq.  
Holland & Knight, LLP  
10 St. James Avenue, 11th Floor  
Boston, MA 02116

/s/ Marvin E. Richards, Jr.  
Marvin E. Richards, Jr.